

SEPP (Sydney Region Growth Centres) Amendment (Riverstone West Precinct)

Riverstone West Precinct

Exhibited as SEPP (Sydney Region Growth Centres) 2006 (Amendment 7)

Post Exhibition Planning Report

August 2009



NSW GOVERNMENT
Department of Planning

Riverstone West Precinct Post Exhibition Report

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1. BACKGROUND

Riverstone West was one of the first release Precincts announced by the Government in June 2006. Planning for Riverstone West commenced in March 2008 with the draft documents placed on public exhibition in March 2009. The exhibition documents included a full planning package for the precinct, consisting of:

- Draft Amendment to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*, and associated draft maps, which propose changes to current land zoning and land use provisions
- Draft Riverstone West Development Control Plan (DCP), which provides guidelines for the future development of the Precinct, and includes a draft Indicative Layout Plan (ILP), which illustrates the preferred development outcome for the Precinct
- Draft Voluntary Planning Agreement (VPA) between Blacktown Council and the major landowner/developer, which details the local infrastructure to be provided.

These draft documents aim to:

- rezone the land for the provision of employment opportunities in north western Sydney
- encourage ecologically sustainable development
- facilitate the delivery of key local infrastructure.

The public exhibition period ended on 15 April 2009. The Department of Planning has undertaken a comprehensive review of all the submissions received during the public exhibition process. As part of this review process, the Department has continued negotiations with Blacktown City Council, State agencies and other key stakeholders in finalising the draft plans.

This purpose of this report is to identify the key issues raised and explain how these issues are addressed in the final SEPP Amendment and DCP for the Riverstone West Precinct.

2. EXHIBITION DETAILS

2.1 KEY FEATURES OF RIVERSTONE WEST PRECINCT

The Riverstone West Precinct is approximately 285 hectares, located west of the Richmond rail line between Riverstone and Vineyard stations and extending west to Eastern Creek. The key features of the draft Riverstone West Precinct Planning Package include:

- 16 hectares of land zoned for commercial uses (B7) in a business park setting with up to 250,000m² of commercial office floorspace
- 72 hectares of land zoned for industrial uses (IN1), with approximately 500,000m² of industrial floorspace
- 16 hectares of land zoned for light industrial uses (IN2)
- 76 hectares of land zoned for environmental conservation including a 58 hectare Environmental Corridor comprising riparian corridors and native vegetation
- 39 hectares of private recreation land
- An intermodal facility and new electricity substation
- Potential for a sustainable energy plant, located in the vicinity of the existing STP and Transgrid substation
- A new sub-arterial road and heavy vehicle route connecting Bandon Road in the north and Garfield Road in the south, with the potential to relieve heavy vehicle traffic around Riverstone Town Centre, Garfield Road and reduce impacts on surrounding residential areas
- A new underpass crossing the Richmond railway line at Bandon Road

Development provided for by this plan is estimated to cater for up to 12,000 jobs.

2.2 EXHIBITED MATERIALS

- Draft State *Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No. 7)*
- Draft Riverstone West DCP
- Draft Riverstone West ILP
- Riverstone West Precinct Planning Report (March 2009)
- Draft Voluntary Planning Agreement
- Biodiversity Certification Report
- Supporting studies

2.3 EXHIBITION PERIOD

The public exhibition of the draft Riverstone West Precinct Planning package commenced on 10 March 2009 and ended on 15 April, 2009. Submissions continued to be accepted by the Department until 16 June 2009.

2.4 EXHIBITION VENUES

- Department of Planning, Level 5, 10 Valentine Avenue, Parramatta
- Department of Planning , 23-33 Bridge Street, Sydney
- Blacktown City Council, 62 Flushcombe Road, Blacktown
- Max Webber Library, Cnr Alpha Street and Flushcombe Road, Blacktown
- Riverstone Library, Marketown, Riverstone Parade, Riverstone
- Growth Centres Commission website (www.gcc.nsw.gov.au)

2.5 PUBLIC NOTICE

Advertisements were placed in:

- Sydney Morning Herald
- Daily Telegraph
- Financial Review
- Blacktown Sun
- Rouse Hill Times
- Koori Mail
- National Indigenous Times

2.6 NOTIFICATION OF LANDOWNERS

The majority landowners in the Precinct have been actively involved throughout the Precinct Planning process. The two infrastructure landowners were consulted throughout the process. Landowners in surrounding areas have been briefed through newsletters and by a direct notification of the exhibition. Briefings were held with the one small landowner within the Precinct.

2.7 NOTIFICATION OF KEY STAKEHOLDERS

The Department wrote to, met with and regularly liaised with key State agencies throughout the Precinct Planning process. Key interest groups were kept informed through newsletters and were directly notified of the public exhibition.

2.8 MEDIA COVERAGE

Local media coverage was initially positive after the announcement in local papers, but this was tempered by local concerns regarding the Richmond rail line, flooding the heritage cottages near Riverstone Station and wider concerns regarding political donations by the landowners. In addition, the local community became confused regarding the announcement of the Riverstone West Precinct Plans and the ongoing issue of the adjacent Riverstone Industrial Area. This diffused the message of 12,000 jobs close to home in the North West Growth Centre.

The key message of jobs was covered extensively in local press, ABC radio and ABC News Online, Channel 7 and Channel 10 news, an article in the Australian Financial Review and briefly in the Daily Telegraph. The wider issues were covered extensively on 2GB radio, local press, SMH and Daily Telegraph.

3. SUBMISSIONS SUMMARY

3.1 NUMBER OF SUBMISSIONS

Forty two submissions were received by mail and email, with almost half from individual property owners. **Appendix 1** provides a list and summary of the submissions.

Table 1: Number of submissions received

Received From	No. of Submissions
State agencies	8
Local government	3
Individual landowners in the locality	20
Utilities	2
Industry groups	2
Landowner groups	2
Community groups	3
Stakeholder organisations	2
TOTAL	42

3.2 LATE SUBMISSIONS

The formal closing date for submissions was 15 April 2009. Exhibition materials remained available at the venues and on the Growth Centres website. Submissions were received up to 16 June 2009. No formal extensions were granted.

3.3 RESPONSE TO SUBMISSIONS

All submissions received a letter of acknowledgment. A further response will be sent to advise of the Minister's decision. This Planning Report will be publicly available on the Growth Centres website.

3.4 SUMMARY OF SUBMISSIONS

The majority of submissions from government authorities were in response to issues in the draft Riverstone West Development Control Plan (DCP). Specifically, these included detailed provisions relating to water management, Development Application (DA) lodgement requirements, and development controls regarding setbacks, street types, vehicular access and parking.

The majority of submissions from the general public raised concern over the potential flooding impacts of proposed fill activities. Local residents were also concerned about the potential demolition of the Richards Avenue cottages to enable delivery of the Indicative Layout Plan to be delivered. Two petitions to save the Riverstone Meatworks group of cottages were received, containing approximately 660 signatures.

Figure 1 provides a summary of issues raised in the submissions. **Appendix 1** of this report provides a detailed summary of all submissions.

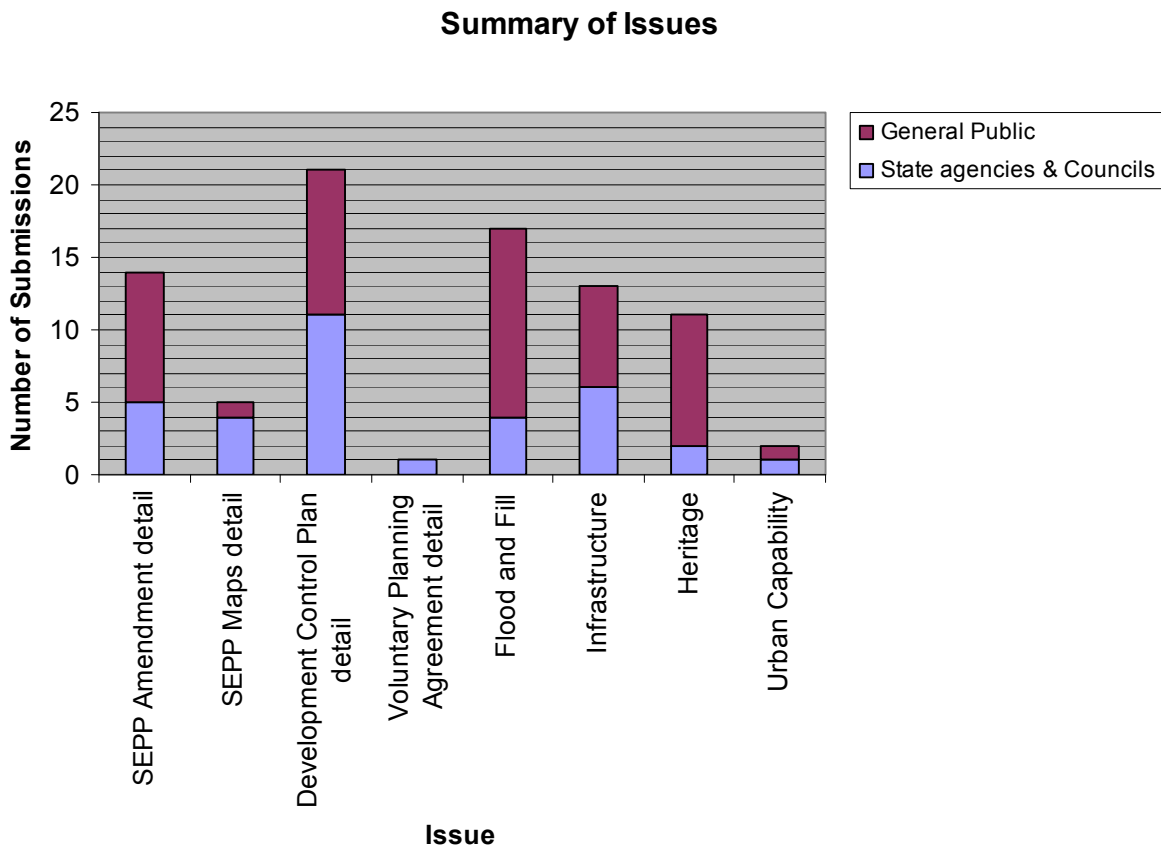


Figure 1: Number of submissions by issue

3.5 CONSIDERATION OF ISSUES

This section identifies the issues raised in submissions and during the public exhibition process and explains how these have been addressed in the final Precinct Planning package for Riverstone West. Issues outside the scope of the Riverstone West Precinct Planning process which will impact the final package are also discussed in this section.

3.5.1 SEPP Amendment

The SEPP Amendment has been prepared to be generally in accordance with the Standard Instrument (Local Environmental Plans) Order 2006. This will assist in facilitating future integration with Blacktown City Council's Comprehensive Local Environmental Plan when it is prepared.

Key issues relating to the SEPP include:

- **E2 Conservation zone**

Issues were raised regarding the appropriateness of some of the permissible uses in the E2 Conservation zone. As this zone includes riparian corridors, concerns were raised as to whether flood mitigation works, environmental facilities, kiosks, information and education facilities, recreation and artificial water bodies would be appropriate.

The permissible uses for the E2 zone under the exhibited draft SEPP will be maintained. These uses are consistent with the template, and generally intended for the land outside the 50 metre riparian corridor (40 metre core riparian zone and 10 metre vegetated buffer). Permitting these uses provides opportunities for the management of the conservation land without requiring compulsory acquisition by Council or another public authority. Riparian corridors will be protected in the SEPP under Clause 6.7 Development Controls – Native Vegetation Protection. Permissible uses within the core riparian zone and vegetated buffer will also be in accordance with the Waterfront Land Strategy (WLS) for Riverstone West, endorsed by Department of Water and Environment (DWE) which details their appropriate location, design and construction.

- **Retail uses in Business Park and Industrial zones**

The prohibition of retail uses, particularly bulky goods, was a concern for industry groups.

The intention for Riverstone West is to maximise the amount of land available for commercial (office) development and to support the viability of the adjacent Riverstone town centre. General retailing will be adequately provided for, and more appropriately located, in the adjacent Riverstone township.

The limitation of retail uses, and prohibition of bulky goods retailing, in the B7 Business Park, IN1 General Industrial, and IN2 Light Industrial zones will be maintained as exhibited.

- **Heritage items**

Following detailed master planning, the exhibited draft SEPP identified one item of local heritage significance in the Precinct, the former Butchers Shop on Garfield Road. It did not propose retention of the local heritage significance listing of 14 cottages on Richards Avenue adjacent to the railway corridor, as their removal with consent would facilitate a

civic plaza and business park which would best meet economic, aesthetic, heritage and practical considerations.

In response to concerns raised during the exhibition process about the loss of local heritage listing of the Richards Avenue cottages, the existing local heritage significance status of cottage No 17 and the Meatworks Group of cottages under Blacktown Local Environmental Plan 1988 (Blacktown LEP) will be retained. For consistency of approach, the listing of the former Butcher's Shop on Garfield Road which had been identified on the SEPP Heritage items map will also be retained under Blacktown LEP.

A concept plan for the development of the civic plaza and Business Park which recognises these cottages has been developed for the Development Control Plan. The detailed implementation of a functional and feasible road layout, stormwater controls, heritage response and urban design outcomes will be determined by Council and the developer following further technical and master planning work at DA stage.

Section 3.5.4 provides further details regarding heritage issues.

3.5.2 SEPP Maps

Land Zoning Map

Key amendments to the draft Land Zoning Map include:

- **Conservation land**

3.14 hectares of E2 Conservation zoned land has been included within the Sydney Water Riverstone Sewage Treatment Plant site. This reflects a request by Sydney Water and the Department of Environment and Climate Change (DECC) to conserve this vegetation, in recognition of other vegetation to be impacted as a result of planned future works to be undertaken by Sydney Water for the North West Growth Centre First Release Precincts.

- **Road widening on Garfield Road West**

The strip of land along Garfield Road West which is currently zoned 5B Arterial Road and Arterial Road Widening under the Blacktown LEP will be shown on Land Zoning Map as SP2 Infrastructure. This will preserve the opportunity for future works by the RTA for road widening on Garfield Road West.

- **Sewerage pumping station**

The operational sewerage pumping station in the north of the precinct has been zoned SP2 Infrastructure in response to a request from Sydney Water.

- **Intermodal transport terminal**

The Intermodal Terminal (IMT) has been zoned as IN1 General Industrial, rather than the Special Activities zone as exhibited. Freight transport facilities are a permitted use within the General Industrial zone, which would include the land uses anticipated to deliver the potential IMT. The Lot Size Map retains a special provision limiting the subdivision of the site to discourage its development for small scale industrial uses, which would inhibit its future development as an IMT.

- **Riparian area**

In response to DWE's request for details of implementation of the offset required as part of the agreement between DWE and the Department to partially fill stream W3, the provision of 2.4 hectares of additional Conservation zoned vegetation beyond the riparian corridor is illustrated in **Figure 8** of this report.

Height of Buildings Map

Some concern was raised over the 26 metre height allowed for buildings in the B7 Business Park zone in terms of scale and context with the Riverstone township.

The Height of Buildings map shows a lower height limit of 18 metres (or four storeys) for buildings along the railway with taller buildings up to 26 metres (or six storeys) located towards Spine Road. It should be noted that under the Standard Instrument (Local Environmental Plans) Order 2006 and Clause 4.3 of the Growth Centres SEPP Amendment (Riverstone West Precinct) 2009, the height of buildings means the vertical distance between existing ground level at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. Additionally, commercial floor to ceiling heights are generally higher than residential floor to ceiling heights (3.5 metres compared to 2.7 metres), and it is considered that the number of storeys and height of buildings are appropriate to both a business park setting and in relation to the Riverstone town centre. Generally, the height limits proposed ensure that there is sufficient floorspace available for commercial development to be viable, given the limited amount of flood-free land within the Precinct.

The design of the ILP ensures that new buildings will be set back a minimum of approximately 42 metres from the existing heritage cottages, which provides the opportunity, if required, for a landscaped buffer and road between the cottages and new development. Further, the DCP now includes the provision of an additional six metres setback above four storeys for buildings in the vicinity of the heritage cottages. If the cottages are to be retained in the future, it is considered that permitting a height limit of 26 metres (six storeys) is appropriate at this distance.

A lower height limit of 18 metres (four storeys) is proposed along the railway line to address the relationship of proposed buildings to the adjacent Riverstone township. New development will be set back approximately 60 metres from Riverstone Parade, which is considered sufficient to reduce bulk and scale impacts on the Riverstone township (refer to **Figure 5**). Also, there is potential for only two buildings to be located along the railway line, which are envisaged to flank the civic plaza, given the limited availability of floorspace above the floodplain in that location (refer to **Figure 2**).

The heights permitted on the Height of Buildings map will not change from the exhibited map.

Heritage Items Map

As explained in Section 3.5.1, the heritage listing of the cottages and the former Butcher's Shop will be retained under the Blacktown LEP. Consequently, there is no heritage map in the revised SEPP.

3.5.3 Flood and Fill

Flood studies

Concerns were raised by both public and private stakeholders over the potential flood impacts that would result from raising the ground level within the precinct to 17.3 metres AHD, particularly the potential for off-site impacts in areas east of the railway line.

Further work and ongoing discussion between the Department, Council and the relevant consultants and stakeholders continued during the exhibition period to resolve matters that could not be addressed at the time of exhibition.

In July 2009 GHD was engaged by the Department to peer review all the flooding and water management reports as well as related documents including correspondence between the Department, Council and the relevant consultants.

The key findings were:

- **Flood impact assessment**

- There were inconsistencies between the cut and fill information shown in the DCP and the actual cut and fill levels used in the Worley Parsons Flood Impact Assessment Report.
- More detailed investigations are required for local catchment flooding east of the railway line.
- The cumulative effects of development on flooding require assessment, which may be considered relevant to the Scheduled Lands on the western bank of Eastern Creek, immediately downstream of Garfield Road. The likelihood of future development outside the Precinct would need to be considered.

- **Stormwater management**

- Further detail is required on the existing flooding associated with the creeks discharging from Riverstone in the east. This will require 2D modelling to determine the complex interaction of catchments upstream of the railway embankment, including potential flow redistribution on account of culvert blockages.
- The modelled “existing conditions” included the amplification of railway culverts. This is not the case and existing conditions should be defined by infrastructure that currently exists, not what is proposed in the future.
- The concentration of flows through the proposed floodways is of concern in regards to the effects that this will have on the receiving riparian environment of Eastern Creek in terms of erosion and siltation.

It was noted that the work presented to date is considered conceptual and that the single land ownership allows for the formulation of appropriate engineering solutions to address the aforementioned issues, there could be potential implications for the ILP in terms of providing adequate floodways and alternative infrastructure to satisfy Council’s design parameters and targets.

GHD concluded that all outstanding issues could be addressed in the DCP through requirements to provide more detailed studies and reports, prior to any DA submitted for approval. Further work has been undertaken in consultation with Council to determine how these flooding impacts are addressed in the DCP, as discussed in Section 3.5.7.

In response to the findings of GHD's peer review, Worley Parsons undertook additional flood modelling work to address the issues raised. As part of this work, the cut and fill figures were amended to reflect the intentions for cutting west of the embankment batter along Riverstone West Business Park and west of Eastern Creek, which was not shown in previous figures. These amended figures will be included in Appendix C in the DCP. Their formal response is provided in **Appendix 2** of this report.

Visual impact of the fill platform

In response to the submissions regarding the visual impact of the proposed filling works, Jackson Teece prepared a digital 3D model which demonstrates the proposed filled floodplain, the proposed civic plaza and connection to Riverstone Station, and the built form envisaged in the Riverstone West Business Park. Refer to **Figures 2, 3, 4 and 5**.



Figure 2: Aerial view looking north over Riverstone West Business Park

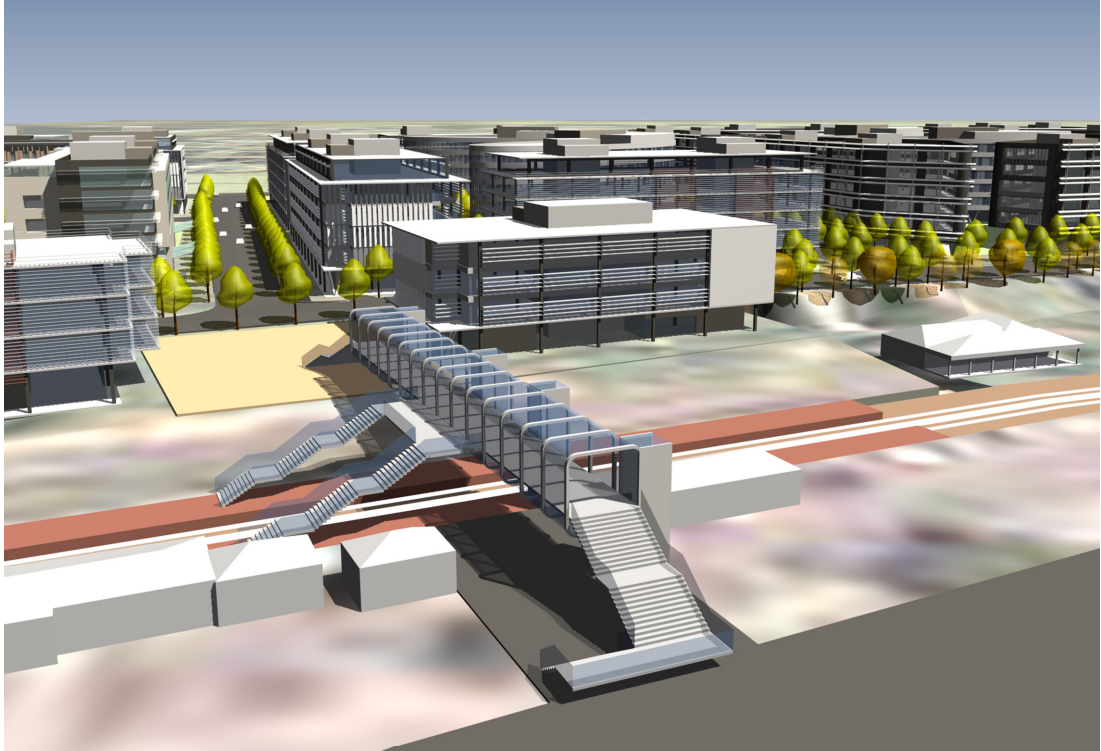


Figure 3: Aerial view looking west down Main Street at Riverstone Station and the civic plaza

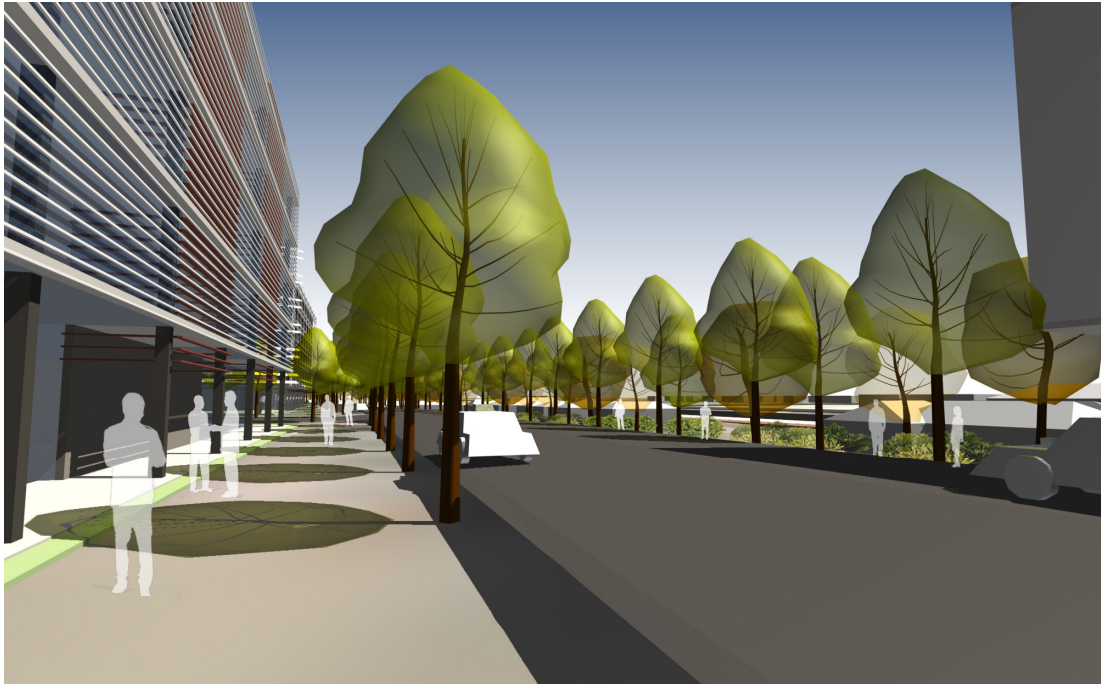


Figure 4: View from the street between commercial buildings and existing heritage cottages.



Figure 5: View of the Riverstone Meatworks group of cottages with the business park behind, from Railway Parade, Riverstone.

3.5.4 Heritage

The local community raised concerns about the potential demolition of the Riverstone Meatworks group of cottages.

A compromise outcome is proposed which retains the local heritage significance listing under Blacktown LEP of 13 of the 14 listed cottages, whilst maintaining the potential to deliver the exhibited design of the civic plaza on a filled pad. **Figure 6** illustrates the concept for retaining the cottages.

Cottage No. 7 Richards Avenue is located where fill would need to occur to facilitate the exhibited civic plaza. It would need to be demolished, or relocated, to achieve this desired outcome. This will ensure the civic plaza is able to practically integrate the business park with Riverstone Station and provide an active space surrounded by commercial uses and more convenient access to Riverstone Station.

This option retains the cottages on flood liable land and within the proposed overland local flooding/stormwater flow path. The future of the cottages, their relationship with and implications for the business park development and stormwater management mitigation measures will need to be investigated by Council and the developers at DA stage. The DCP requires that a Conservation Management Plan be prepared, taking into account the concept plan included in the DCP.

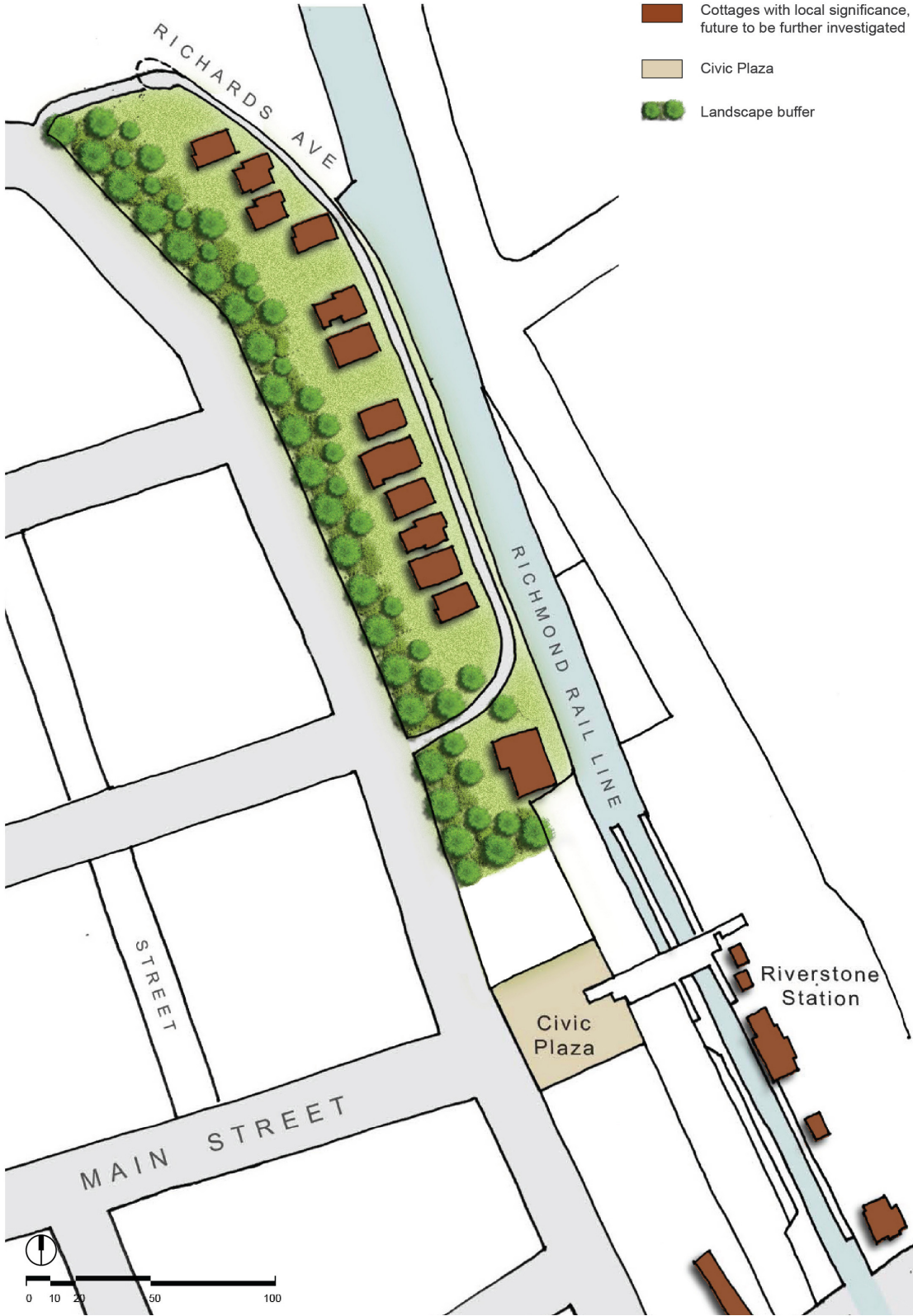


Figure 6: European heritage concept plan

3.5.4 Infrastructure

The Precinct Planning for Riverstone West has been undertaken in the context of State Government commitment to deliver key infrastructure for the North West Growth Centre when it is required. The concept plan for the proposed Richmond railway duplication from Quakers Hill to Vineyard has been publicly exhibited but not determined at the time of writing. Quakers Hill to Schofields is proposed as the first stage of construction. Pending the decision on the duplication and the proposed relocation of Vineyard Station, the detailed road layout plans around the station have been deferred from the DCP.

The RTA has not yet determined the location for a railway crossing to replace the existing level crossing at Garfield Road. This is a regional road identified under the Growth Centres Special Infrastructure Contribution Practice Note. Given this, the existing road widening area and acquisition authority for the RTA which is identified under Blacktown LEP, has been retained under the revised SEPP.

The Ministry of Transport raised concerns over a potential Intermodal Terminal (IMT) in relation to the capacity for the Richmond railway line to support freight use and the potential noise impacts for neighbouring residents. These will be assessed by Railcorp at DA stage. In response to these concerns, the DCP requires an Environmental Assessment to be prepared to accompany a DA for an IMT. Further detailed considerations are also outlined in Section 6.4 of the DCP.

Integral Energy advised the Department of its Vineyard to Rouse Hill Electricity Upgrade plan, which includes the replacement of the 33kV transmission line with two new 132kV lines in the vicinity of the proposed sporting fields. The zoning provisions and permissible uses under the Riverstone West SEPP should not affect this provision.

3.5.5 Detailed Development Control Plan issues

Indicative Layout Plan

The main concerns raised in submissions regarding the ILP related to the absence of the Richards Avenue heritage cottages in the exhibited ILP, and connectivity and access within the Precinct. Other changes to the ILP have ensued from ongoing discussions between the Department, Council and the relevant stakeholders.

Key changes to the Riverstone West ILP include:

- The ILP has been amended to identify the Riverstone Meatworks group of cottages and cottage No 17 Richards Avenue, as well as the already identified former Butchers Shop as discussed in Section 3.5.6. This has resulted in an amended road layout for the Riverstone West Business Park which reduces the amount of floorspace available for commercial uses by approximately 10,000 square metres
- The existing Sydney Water sewage pumping station is shown as Infrastructure, to be consistent with the SEPP mapping
- The existing concrete bridge near the Meatworks site will be retained and shown in the ILP to provide for connectivity to the western side of Eastern Creek. Other connections which were raised in the submissions are outside the scope of Riverstone West Precinct

Planning and will be considered by the Department when relevant Precincts, such as Marsden Park and Vineyard, are released

- A hatched area over the Vineyard Station area indicating that planning for this area is deferred until such time that the location of the new Vineyard Station is determined by the Minister for Planning.

Refer to **Figure 7**.

Development Application process (Section 1.7.1)

Figure 2 (DA Process) of the Riverstone West DCP has been amended to indicate when precinct-wide plans and/or studies are to be prepared and how this step relates to the rest of the DA process.

Development Application lodgement requirements (Section 1.7.3)

- **Air and Odour Report**

Following advice from Council, an Air and Odour Report is required for DAs within the 200m odour buffer as shown in Figure 32 of the DCP. The report must provide assessment and mitigation measures regarding air pollutants generated by proposed development.

- **Conservation Management Plan**

The Riverstone West DCP has been amended to recognise the local heritage significance of cottage No. 17 Richards Avenue and the Riverstone Meatworks group of cottages. This will be reflected in the DCP by a requirement for a detailed Conservation Management Plan to be prepared which will set out how future development is to respond to the cottages.

- **Environmental Assessment (IMT)**

RailCorp and Ministry of Transport (MoT) raised some concerns over the delivery of a potential IMT in the Precinct. In response, the DCP has been amended to require an Environmental Assessment to be prepared at DA stage, which must address available rail infrastructure, train paths, noise and other impacts. Railcorp will require this information to determine whether to issue a licence for access to the rail line.

- **Fill Plan**

The requirement for a Precinct-wide Fill Plan has been replaced with the requirement for a Cut and Fill Plan to be prepared at lot and/or building DA stage. The Cut and Fill Plan will be required to demonstrate compliance with Appendix C Floodplain Management Strategy and fulfil the requirements of Council.